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July 6, 2005

Docket No. 05-015-1  
Regulatory Analysis and Development  
PPD, APHIS Station 3C71  
4700 River Road Unit 118  
Riverdale, Maryland 20737-1238

To Whom It May Concern:

Additional Comments referring to Docket Number 05-015-1

**National Animal Identification System; Notice of Availability of a Draft Strategic Plan  
and Draft Program Standards**

The following highlighted areas are additional comments on the eleven specific questions that we were asked to consider and address in our comments. Again, I have addressed them from the perspective of an animal health official.

1. At initiation, the animal identification program should remain voluntary or there should be no tagging required until animals are sold, commingled or moved into interstate commerce channels. Exceptions should be considered for commingling as part of traditional grazing associations or for contiguous grazing lands that span across state borders. Even enforcement at this level will be a difficult task unless there is justification and support for implementation.

A voluntary program sounds producer friendly, but in reality may not get the participation needed if the goal is truly to have 48 hour traceback capabilities.

**Starting a program as a voluntary program, does have the advantage of giving producers time to meet the requirements of a mandatory program. To say that a mandatory program is necessary, because it is enforceable, does not mean that it should be mandatory early on in the developmental stages of the NAIS. Allowing for market demand for traceable animals would likely be a better driving force early on, than trying to achieve compliance through enforcement. Enforcement is simply not logistically possible if the program is too stringent. Infrastructure is not even in place yet, to allow for easy collection of the needed information and then the transfer of that information to appropriate databases. Hopefully common sense is allowed to prevail as the enforcement stages of a NAIS are considered.**

2. Animals need to be identified before or at the time of commingling for the purpose of movement into interstate commerce. Reading animal identification as animals are loaded onto trucks would be one way to meet this need. Making sure that animals are appropriately identified should be a shared activity. Veterinarians must be involved with verifying health information, and brand inspectors, market owners, and fair managers, can all contribute useful information, depending on the movement and who will have access to the cattle.

Ultimately, buyers have been designated as the responsible party in the proposed program standards for identifying the animals, but they can share that responsibility by only buying animals that are already appropriately identified.

In North Dakota, this is consistent with our statute, which states that the importer listed on the certificate of veterinary inspection is the responsible party for making sure that animals meet our import requirements.

3. Tagging sites must be allowed. Sites could include veterinary clinics, weigh stations, auction market receiving areas, etc. **Producers' premises should be the first tagging site option, allowing producers to apply the NAIS approved animal ID before the animals leave.**

Various sites could be approved as long as they agree to meet reporting requirements (this system is currently being used in the Scrapie Eradication Program).

4. Education is always the best way to achieve compliance. The value of the action must be apparent to the industries being impacted. Producers will want liability to be transferred to the buyer of their animals so they will want to document the movement of the animals to the buyer. The receiver should be the responsible party for recording the identification on the animals they receive. Brand inspectors and veterinarians could assist with collecting and recording the information.

States with a lack of infrastructure are going to have the most difficult time in enforcing compliance. All individuals authorized to participate in the day to day operations of the NAIS must be bound by confidentiality regulations and enforcement must be imposed through the ability to levy substantial penalties. The delegation of responsibilities at

various levels must not compromise the confidentiality of the national and state databases.

5. Animals should be identified entering interstate commerce initially. It will be much more difficult to monitor intrastate movements.

Surveillance requires the need to be able to track animals. As we've learned with our current BSE surveillance, surveillance without ID may seem to be worse than no surveillance at all. Without official identification, we run into the dilemma of having a positive animal and no ability to respond to that knowledge appropriately. It's very difficult if not impossible to legally quarantine and euthanize animals without official identification on the animal in question. Hopefully, the market place and consumer food safety concerns will continue to be the driving force to have animals identified.

**The reason given for the development of the NAIS was the need to be able to track animals in an animal health emergency. Although we have been told that animal health and food safety are separate issues by APHIS and FSIS, it is true that this program will most definitely also serve to benefit consumers by aiding with protecting the health of national herd and thereby help to secure part of our national food supply. The two issues are not separate just because agencies are. Their recent collaborative efforts to deal with other program diseases can be sighted as examples which show their acknowledgment of that reality.**

6. The timeline should allow for intrastate movements without ID requirements. Standards must be given and sufficient time allowed for the development of the infrastructure needed for a mandatory identification program.
7. No, there should not be an equivalent timeline for all species, because enforcement is not possible at this time. At this time, horse owners don't even have a cohesive group that agrees on what they should use as an official identification. The focus should be on those species that pose potential zoonotic concerns or food safety risks. At this time, African Horse Sickness is the only OIE list disease that is of major concern to the equine industry. Is that enough justification to warrant imposing an individual identification requirement on the equine industry, during the initial stages of a NAIS? Who will enforce it when simply finding those premises is even a difficult challenge at this time?
8. Web based systems can best accommodate requests for batch uploading. They also provide the most cost effective method for submitting information into the state and federal databases.

Transferring and merging already existing data bases will especially be simplified by the ability to be batch upload. Smaller producers and operators will be less likely to have the technical knowledge or equipment needed to utilize a web based system. For those persons, the option of supplying information on paper forms needs to be readily available.

9. All basic required information associated with the NAIS should be kept confidential and accessed only by **appropriate** animal health officials. Laws currently allow for officials to provide only the necessary information to other agencies as needed to address food safety concerns.

**The main concern that needs to be addressed regarding confidentiality is that at the federal level there currently is none! States are encouraged (and many have done so) to put state regulations in place to address confidentiality, yet we are already registering premises into a national database that really is not confidential at this point in time. This is not acceptable. Animal health officials and others working hard on the development of the NAIS, have been given the distinct impression that this was being addressed some time ago, but to date nothing has been implemented to address this fundamental and critical necessity of national database of this magnitude.**

10. The NAIS needs to keep the amount of required information to a minimum and ‘requires’ the buyer to report the animal(s) identification. This is consistent with the interstate certificates of veterinary inspection which list the destination of the importer. Importers are held responsible now for making sure that the animals they purchase or move meet importation requirements.

Radio frequency identification readers at auction markets and on trucks and possibly at receiving lots would be ideal. If the information can be automatically recorded and uploaded without little technical knowledge or cost, there will be better compliance. There has been little guidance or guidelines given for the purchase of much-needed equipment for developing this infrastructure due to the federal governments desire to remain technology neutral.

11. A database developed for animal health tracking purposes, may not be considered as credible and unbiased to other countries and to consumers, if it is not overseen by animal health officials. This is consistent with the fact that all current animal health programs are under the authority of state and federal animal health officials. If this is not a program designed for tracking animals due to animal health concerns, then the possibility of allowing the data to be housed elsewhere would not be a critical concern.

I would strongly urge that the oversight of the NAIS and the core database lie with the animal health officials at the federal and state level. Responsibilities and access could be subcontracted out to private companies that manage/house databases, but the confidentiality and longevity of the data is then in jeopardy should that company cease to exist. Maintaining multiple databases outside of the state and federal animal health offices also means less efficient databases due to multiple databases. The database needs to be accessible and familiar to the user in charge of an epidemiologic investigation. If a 48 hour or less traceback capability is truly a goal, not just a sound bite, then animal health officials need to have 24 hour access to the facilities and hardware that hold the databases.

**Historically animal health officials have always worked with any and all private organizations and persons necessary in tracing animals that need to be traced in an animal health related emergency. In order to carry out their responsibilities, they must and will continue to do so. Can the same be said about all private organizations that may be allowed to oversee an animal health based identification program?**

**Animal health officials have always done their best to handle information as confidentially as possible, even under very difficult circumstances. They truly understand the need for client patient confidentiality and therefore should be trusted to continue to appropriately oversee that responsibility.**

In addition to the above comments Dr. Jim Clement, the Animal Identification Coordinator for the State of North Dakota, is submitting comments on the NAIS Draft Strategic Plan and the NAIS Draft Program Standards. Under the current pilot project awarded to North Dakota, many people have been able to discover through our endeavors some of the critical needs of an effective yet cost efficient NAIS. We hope you will give careful consideration to all comments, especially those addressing producers' concerns. Any negative impact on the animal industries must' be minimized, and at the same time we must not jeopardize the impetus for the development of a National Animal Identification System....the ability to track animals only in the case of an animal health emergency.

Thank you for the opportunity to comment.

Sincerely,

Susan J. Keller, DVM  
State Veterinarian - North Dakota State Board of Animal Health

SJK:tlc